UNITED STATES DISTRICT COURT DISTRICT OF MASSACHUSETTS

POWERS PRINTING CO., INC.,)
Plaintiff/Defendant-in-Counterclaim,)) CIVIL ACTION) NO. 04-CV-12041-REK)
v.	
AGFA CORPORATION and XPEDX,	
Defendants/Plaintiffs-in-Counterclaim.))
)

AFFIDAVIT OF BRANDON L. BIGELOW

- I, Brandon L. Bigelow, hereby depose and state as follows:
- 1. I am an associate at Bingham McCutchen LLP, 150 Federal Street, Boston, and together with John R. Skelton, represent the defendant/plaintiff-in-counterclaim, xpedx, a division of International Paper Co. ("xpedx") in the above-captioned matter. I have personal knowledge of the facts set forth below.
- 2. I understand that after counsel for Powers Printing informed xpedx that he was withdrawing from his representation of Powers Printing in the summer of 2005, xpedx communicated directly with Ralph Mechling, who is, upon information and belief, an officer of Powers Printing. After Mr. Mechling became unresponsive, xpedx requested that I contact Mr. Mechling.
- 3. On or about September 12, 2005, I contacted Mr. Mechling, informed him that xpedx intended to go forward with its counterclaim in the above-captioned matter, and asked Mr. Mechling to have Massachusetts counsel enter an appearance. I also informed Mr. Mechling that xpedx intended to file a motion to compel Powers Printing to enter an appearance in the above-captioned matter if no appearance had been entered by September 14, 2005. A true and correct copy of my letter to Mr. Mechling confirming my discussion with him is attached as Exhibit A.

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4. On or about September 14, 2005, xpedx filed a Motion to Compel Plaintiff to

Appear in the above-captioned matter. A copy of the Motion to Compel Plaintiff to Appear

was served on Mr. Mechling via facsimile and first class mail.

5. On or about September 19, 2005, the Court issued a notice of hearing and

ordered that the parties appear for a status conference on October 11, 2005. I sent a copy of

the Court's order to Mr. Mechling via facsimile and first class mail on September 20, 2005.

A true and correct copy of my letter Mr. Mechling concerning the status conference is

attached as Exhibit B.

6. Powers Printing is a corporate entity, and therefore is not an infant or

incompetent person.

7. Powers Printing is a corporate entity, and therefore is not a person in

military service of the United States or its Allies as defined in Article I of the Soldiers' and

Sailors' Civil Relief Act of 1940, as amended.

8. At my request, personnel at xpedx verified the outstanding balance due on

the account for Powers Printing, and an account statement reflecting an outstanding

balance due of \$100,452.52 is attached as Exhibit C. The total amount of xpedx's claim for

damages against Powers Printing is \$100,452.52, plus interest.

Signed under the penalties of perjury this 17th day of October, 2005.

/s/ Brandon L. Bigelow

Brandon L. Bigelow

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CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above document was served upon each party appearing pro se and the attorney of record for each other party by mail and electronically via the CM/ECF system on October 17, 2005.

/s/ Brandon L. Bigelow Brandon L. Bigelow